

REMARKS

Claims 38-48, 51-65, 68-71, and 74-77 are pending in the present application.

At the outset, Applicants wish to thank Examiner Loewe for indication that Claims 41-48, 53-65, 70, and 71 are allowed. Applicants respectfully wish to direct the Examiner's attention to the fact that Claims 75-77 were added in the response filed December 13, 2010; however, the status of these claims are not indicated in the Detailed Action mailed January 28, 2011. Since these claims do not contain the objected to phrase, it is believed that Claims 75-77 are also allowable. An indication to this effect is requested..

The rejection of Claims 38-40, 51, 52, 68, 69 and 74 under 35 U.S.C. §112, first paragraph (written description), is respectfully traversed.

In the response filed on December 13, 2010, Applicants amended Claim 38 to include a proviso that "when E is a C₂₋₁₄ aryl group substituted with one or more hydroxyl groups and A is a phenyl group, said phenyl group is substituted" as a condition of the compounds of Formula (1). Claims 39 and 51 were similarly amended to include the same limitation for the compounds of Formulae (2) and (4), respectively, by reflects the proper corresponding substituent designators. The Examiner alleges that the genus defined in the claims fails the written description requirement of 35 U.S.C. §112, first paragraphs, alleging that this proviso does not find support in the original specification. Applicants disagree.

The problem appears to be that the Examiner appears to be looking for an explicit recitation of the words "when E is a C₂₋₁₄ aryl group substituted with one or more hydroxyl groups and A is a phenyl group, said phenyl group is substituted" in the specification. However, the description in the specification need not be in *ipsis verbis* [i.e., "in the same

words”] to be sufficient to support a claimed limitation (MPEP §2163). It is sufficient for support to be found implicitly so long as the artisan would appreciate that the description as would support the new limitation.

In the present application the support is far more than implicit as each of the disclosed limitations of the claims are found in the specification as filed. Indeed, the generic scope of Formulae (1), (2), and (4) are found at page 7, lines 15 to page 10, line 16 and page 12, line 7 to page 13, line 19, as well as in the original claims. Further, page 15, line 1 to page 27, line 20, provide an explicit definition for each of the generic terms embraced by the generic terms presented in the claims. Using Claim 38 as an example, at page 7, line 27 to page 8, line 18¹ a description is provided in the context of Formula (1) of E being a C₂₋₁₄ aryl group that may be substituted, as well as an indication that when substituted it may be with one or more hydroxyl groups. Further, at page 15, lines 8-10 it is stated that the definitions that follow apply to their use in “substituents A, B, D, E, G¹, G², G³, R¹, R², R³, R⁴, R⁵, R⁶, R⁷, R⁸, R⁹, R¹⁰, R¹¹, R¹², R¹³, R¹⁴, R¹⁵ and R¹⁶”. Following this statement, page 16, line 15 to page 17, line 6 begin the definition of the C₂₋₁₄ aryl group (i.e., the group defined in A in Formula (1), R¹ in Formula (2), and R¹² in Formula (4)), which includes a specific recitation of a “phenyl”. Further, with respect to the phenyl at A in Formula (1), R¹ in Formula (2), and R¹² in Formula (4) being substituted, references is made to page 21, lines 16 to page 22, line 26.

In view of the foregoing, Applicants submit that each limitation in the proviso added by the amendment filed December 13, 2010, finds support in the specification as filed. Applicants further submit that the claimed invention satisfies the written description requirement of 35 U.S.C. §112, first paragraph.

Applicants request withdrawal of this ground of rejection.

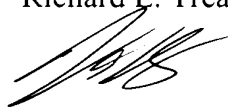
¹ See page 9, line 26 to page 10, line 4 for R⁴ in Formula (2) and page 13, lines 1-13 for R¹⁵ in Formula (4).

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

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